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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,082	08/18/2005	Tina-Marie Rusinak-Connors	A34540-PCT-USA	8735
21093 7590 05/16/2008 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498				
EXAMINER				
GROSZ, ALEXANDER				
ART UNIT		PAPER NUMBER		
3673				
NOTIFICATION DATE		DELIVERY MODE		
05/16/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DL.NYDOCKET@BAKERBOTTS.COM

# Office Action Summary

**Application No.**

10/517,082

**Applicant(s)**

RUSINAK-CONNORS, TINA-MARIE

**Examiner**

Alexander Grosz

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-15, 17, 18, and as best understood, claims 10, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Connors (note abstract, lines 3,4; column 4, lines 1-12), teaching applicant's basic device, including fastening devices (4) and a middle pocket (3) with a Velcro closure, adapted to be used as a "carrying case" for the towel, but not dividing the middle pocket to create a double chambered compartment, in view of Hunt, teaching the dividing of a middle pocket of a similar pocketed beach towel.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have divided Connors's middle pocket 3, because Hunt recognizes the desirability of dividing a middle pocket in a similar device, in order to provide two separate chambers, useable to accommodate various materials.

Connors explicitly teaches the use of the middle pocket as a storing means for the folded towel, and the dividing of such a pocket to thereby create a two chambered would, as taught by Hunt, in no way would change the ability of one of the chambers to accommodate a folded towel. It is noted that any pocket, even Hunt's pockets, are inherently adapted to store a folded towel therein.

Contrary to applicant's arguments in the paragraph bridging pages 10 and 11 of the amendment filed on 2/11/08, Connors explicitly teaches the use of fastening devices

(4), which seem to be identical to applicant's fastening devices 5, described in lines 4-10, on page 10 of applicant's specification.

Claims 1-5,7,8,19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connors in view of Hunt as applied to claim 9 above, and further in view of Kraft, teaching the use of adjustable straps as a carrying means for a blanket.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Connors's device, as modified by Hunt, with carrying straps, because Kraft recognizes the desirability of using conventional carrying straps with a blanket/carrying case combination, in order to improve its portability.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connors in view of Hunt, discussed above, in view of Seals, teaching the use of straps 26,28 inherently useable in the manner contemplated by applicant.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have used a length of rope or twine, in Connors's beach towel, as modified by Hunt, because Seals recognizes the desirability of using fastening straps 26,28 with a beach towel.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connors in view of Hunt and Kraft, as applied to claim 1 above, and further in view of Seals, for reasons set forth in the rejection of claim 16.

Applicant's arguments filed on 2/11/08 have been fully considered but they are not persuasive.

As discussed above the dividing of Connors's carrying compartment to thereby create the claimed two chambered compartment is suggested by Hunt's teaching of a two chambered compartment in a similar beach towel, and contrary to applicant's arguments Connors explicitly teaches the broad fastening devices of claims 1 and 9.

Applicant's amendments to claims 6 and 16, obviates the 35USC 112, 2<sup>nd</sup> paragraph rejection, and necessitates the application of the new (Seals) reference.

Ackley, teaching the use of fastening devives 36,38 as attachment means , is cited as relevant art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Grosz whose telephone number is 571-272-7041. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Grosz/  
Primary Examiner, Art Unit 3673

5/11/08  
ag

